

UNITED STATES DISTRICT
COURT SOUTHERN DISTRICT OF
FLORIDA

Case No. 0:24-CV-60382

JESSICA PIAFSKY, an individual,
Plaintiff,

v.

MB HOME IMPROVEMENTS INC. a Florida
corporation, MAXIM BOHADANA, an
individual, ROI NEEMAN, an individual and
CONSTRUCTION FORT LAUDERDALE
INC.d/b/a MB HOME IMPROVEMENTS, a
Florida corporation,

Defendants

**DEFENDANTS, MB HOME IMPROVEMENT INC., AND MAXIM BOHADANA'S MOTION
TO INCORPORATE PREVIOUS ANSWER AS ANSWER TO PLAINTIFF'S AMENDED
COMPLAINT**

Defendants, MB Home Improvement Inc. ("MB") and Maxim Bohadana ("Bohadana") (MB and Bohadana collectively referred to as "MB Defendants") hereby incorporate their previously filed answer and defenses (ECF No. 31) in response to the Amended Complaint, [ECF No. 56] as no substantive changes are required.¹

1. On June 14, 2024, MB Defendants filed their Answer and Affirmative Defenses [ECF No. 31].

2. On January 10, 2025, Plaintiff filed an Amended Complaint [ECF No. 56].

3. After reviewing the Amended Complaint, MB Defendants have determined that the amendments are not substantive and do not alter the material allegations or the legal theories asserted against the MB Defendants.

¹ Plaintiff's Amended Complaint [ECF No. 56] Paragraph 14 stipulates "The changes made by the amendment are for clarification, and no new causes of action or parties are being added to the Complaint."

4. Particularly, Paragraph 14 of Plaintiff's Amended Complaint [ECF No. 56] stipulates "The changes made by the amendment are for clarification, and no new causes of action or parties are being added to the Complaint."

5. Consequently, MB Defendants' previously filed Answer and Affirmative Defenses fully address the substance of the Amended Complaint's allegations and legal theories.

6. Federal Rule of Civil Procedure 15(a)(3) provides that a response to an amended pleading is required within 14 days of service of the amended pleading unless the Court orders otherwise.

7. Because the changes to the Amended Complaint are minimal or purely technical, MB Defendants request that this Court permit them to incorporate by reference their previously filed Answer and Affirmative Defenses [ECF No. 31] as their operative response to the Amended Complaint.

8. This approach will promote judicial economy and efficiency by avoiding the need to re-file duplicative pleadings while preserving the parties' rights and defenses.

9. No Prejudice to Plaintiff.

a. Granting this motion will not prejudice Plaintiff, as the allegations and legal theories have not substantively changed.

b. Plaintiff remains fully aware of MB Defendants' positions and defenses.

10. While undersigned counsel does intend to move to withdrawal as counsel in this matter due to irreconcilable differences, the Court has not yet ruled on that Motion and it is undersigned's position that withdrawal of counsel would not result in undue delay or burden at this stage of litigation.

11. MB Defendants respectfully request that the Court accept the previously filed Answer and Affirmative Defenses [ECF No. 31] as the operative responsive pleading to the Amended Complaint [ECF No. 56].

12. In the alternative, to the extent the Court requires a separately filed Answer to the Amended Complaint, MB Defendants request that they be allowed to re-file their Answer and Affirmative Defenses without modification, and that such re-filed document be deemed timely and effective as of the date this Court grants the instant motion.

WHEREFORE, MB Home Improvement Inc. and Maxim Bohadana respectfully request this court deny Plaintiff's Motion for Default and accept the previously filed Answer and Affirmative Defenses [ECF No. 31] as the operative responsive pleading to the Amended Complaint or in the alternative allow Defendants to refile their Original Answer and deem said filing timely as of the date of ruling on this Motion, and any such further relief as this Court deems just and proper.

CERTIFICATE OF SERVICE

WE HEREBY CERTIFY that on this the 29th day of January, 2025 the foregoing was electronically filed with the Clerk of the Court using the CM/ECF filing system.

The Tolley Firm, P.A.

Attorneys for Defendants

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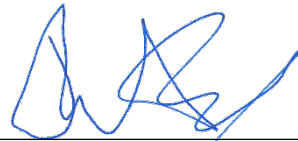
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A handwritten signature in blue ink, appearing to read 'Justin M. Tolley', is positioned above a horizontal line.

JUSTIN M. TOLLEY
Florida Bar No. 111239